



GP 1614

PATENT

#6  
Rev #7/29

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application  
of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

OR

APR 02 1999  
GROUP 18

In re application of: Vidya B. Lohray, et al.

Serial No.: 09/179,002

Group No.: 1614

Filed: October 26, 1998

Examiner:

For: NEW HETEROCYCLIC COMPOUNDS AND THEIR USE IN MEDICINE; PROCESS FOR  
THEIR PREPARATION AND PHARMACEUTICAL COMPOSITIONS CONTAINING THEMAssistant Commissioner for Patents  
Washington, D.C. 20231TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

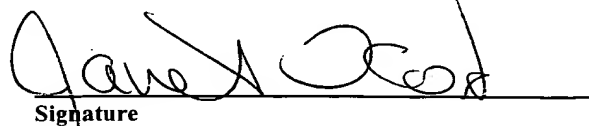
## MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: MARCH 25, 1999

## FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

  
SignatureJANET I. CORD

(type or print name of person certifying)



**NOTE:** The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

SIGNATURE OF PRACTITIONER

JANET I. CORD

(type or print name of practitioner)

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New York, NY 10023  
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## PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vidya B. Lohray, et al.

Serial No.: 09/179,002

Group No.: 1614

Filed: October 26, 1998

Examiner.:

For: NEW HETEROCYCLIC COMPOUNDS AND THEIR USE IN  
MEDICINE; PROCESS FOR THEIR PREPARATION AND  
PHARMACEUTICAL COMPOSITIONS CONTAINING THEM

Attorney Docket No.: U 011904-5

Assistant Commissioner of Patents  
Washington, D.C. 20231

#### INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached references which were cited in co-pending U.S. Patent application no. 09/012,585, and to the attached copies of the Search Reports and references from PCT applications: PCT/US98/22568, PCT/US98/22569 and PCT/US98/22570. The references are also listed on the attached Form PTO-1449.

Applicants also bring to the Examiner's attention the following U.S. applications and patents:

08/476,385 (abandoned)  
08/621,226  
08/687,840 (now U.S. Patent 5,801,173)  
08/851,447  
08/851,450  
08/851,448

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#### CERTIFICATE OF MAILING /TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

##### MAILING



deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Date: March 25, 1999

##### FACSIMILE



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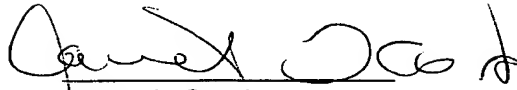
  
Signature

Janet I. Cord

(type or print name of person certifying)

08/777,627  
08/884,816  
08/982,910  
08/982,911  
08/982,962  
09/084,639  
09/085,292  
09/012,585  
09/134,348  
09/135,566  
09/179,141  
09/257,104

Respectfully submitted,

  
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